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AUTHOR Smith, Raymond C.
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ABSTRACT

During the past decade, and especially since 1970, there have been great changes in the manner in which students are disciplined. The greatest single influence has not been the effort of enlightened educators or crusading boards of education, but rather change has taken place mainly as a result of decrees from our judicial system. A review of court litigation reveals that a student does not give up any of his rights when he enters the schoolhouse; that students are entitled to be heard and to receive due process; that when a student's rights are being protected, the school need not be afraid to act; and that continued judicial impact on education should be expected. The best way to minimize the role of the courts in education is to eliminate violations of law and individual rights. This can be done by reviewing district policies and practices and by training administrators to use procedures that are both legally acceptable and administratively effective. As helpful as these administrative steps are, nothing helps avoid discipline problems as much as a good instructional program--especially one that is effective in helping those students who are furthest behind in reading and math. (Author/IRT)

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DISCIPLINE, CORPORAL PUNISHMENT, AND SUSPENSION

EA 007 088

COL. RAYMOND C. SMITH
ANNE ARUNDEL COUNTY, MARYLAND
APRIL, 1975

I WOULD LIKE TO BEGIN WITH REFERENCE TO 4 NAMES FROM HISTORY: ERASMUS - A 15TH CENTURY DUTCH THEOLOGIAN; MARTIN LUTHER - A LEADER OF THE PROTESTANT REFORMATION IN THE 16TH CENTURY; IMMANUEL KANT - THE 18TH CENTURY GERMAN PHILOSOPHER; AND WALT WHITMAN - THE 19TH CENTURY AMERICAN POET. ALL FOUR WERE HUMANISTS, AND - CLOSER TO HOME - ALL FOUR COMMENTED ON EDUCATION IN A COMMON FASHION BY CONDEMNING THE USE OF HARSH DISCIPLINE IN THE SCHOOLS.

THESE FOUR MEN ALSO HAD ONE OTHER THING IN COMMON - THEY WERE ALMOST COMPLETELY IGNORED BY THE EDUCATORS TO WHOM THEY ADDRESSED THEIR REMARKS. IN FACT, THROUGHOUT HISTORY MOST ATTEMPTS TO TEMPER EDUCATION WITH HUMANISM HAVE BEEN SPURNED.

AS FAR BACK AS ANCIENT EGYPT, THE SYMBOL OF EDUCATION WAS NOT A BOOK OR SOME OTHER SUCH SYMBOL OF ENLIGHTENMENT - BUT THE ROD.

16TH CENTURY GERMAN SCHOOLS WERE DESCRIBED AS DUNGEONS AND THE TEACHERS AS TYRANTS AND JAILERS WHO KNEW ONLY HOW TO BEAT AND TORMENT THEIR SCHOLARS.

LATER, THE JESUITS, CONSIDERED THE MOST ENLIGHTENED EDUCATORS THROUGH THE 18TH CENTURY, WERE INSTRUCTED TO HOLD THEIR STUDENTS "IN FEAR AND CHASTISE THEM WITH WHATEVER PUNISHMENT IS NEEDED AND IS SUITABLE." AND WHEN NEITHER WORDS NOR OTHER MEANS PREVAILED TO CORRECT UNACCEPTABLE BEHAVIOR, STUDENTS WERE EXPELLED BEFORE THEY COULD LEAD OTHERS ASTRAY.

AND AS ALL OF US ARE AWARE, THIS IS NOT JUST A EUROPEAN PHENOMENON. IN 18TH AND 19TH CENTURY AMERICA, IT WAS THE GENERAL RULE FOR THE TEACHER TO BE "ABSOLUTE IN COMMAND" - TO QUOTE NOAH WEBSTER. DURING THE MID AND LATE 1800'S, SCHOOL COMMITTEEMEN (THOSE ARE OUR PREDECESSORS AS BOARD MEMBERS LADIES AND GENTLEMEN) CAREFULLY SCRUTINIZED THE MUSCLES OF TEACHER PROSPECTS, FOR THE ABILITY TO DISCIPLINE CHILDREN WAS CONSIDERED THE SINGLE MOST IMPORTANT QUALITY OF A GOOD PUBLIC SCHOOL TEACHER.

FURTHERMORE, WE ALL KNOW THAT WHAT I HAVE BEEN DISCUSSING IS NOT JUST PART OF SOME LONG FORGOTTEN PAST. IN MY OWN DISTRICT, GIRLS WERE NOT PERMITTED TO WEAR SLACKS TO SCHOOL IN SOME SCHOOLS THROUGH 1969. BOYS WITH MUSTACHES OR LONG SIDEBURNS WERE SENT HOME TO SHAVE BY SOME OF OUR SCHOOLS THROUGH 1970. THROUGHOUT AMERICA, UP UNTIL JUST THE LAST YEAR OR TWO, IT HAS BEEN POSSIBLE FOR AN ADMINISTRATOR TO SUSPEND A STUDENT SOLELY ON A WHIM - AND GO UNCHALLENGED. CERTAINLY THIS KIND OF ADMINISTRATIVE ACTION HAS NOT BEEN COMMON - BUT IT HAS BEEN POSSIBLE.

ALL OF THAT IS CHANGING NOW. DURING THE PAST DECADE, AND ESPECIALLY SINCE 1970, THERE HAVE BEEN GREAT CHANGES IN THE MANNER IN WHICH STUDENTS ARE DISCIPLINED. AND THE GREATEST SINGLE INFLUENCE HAS NOT BEEN THE EFFORTS OF ENLIGHTENED EDUCATORS OR CRUSADING BOARDS OF EDUCATION, BUT RATHER CHANGE HAS TAKEN PLACE MAINLY AS A RESULT OF DECREES FROM OUR JUDICIAL SYSTEM.

WITHOUT DOUBT, THE LANDMARK COURT CASE OF THIS CENTURY IN EDUCATION IS THE BROWN VS. BOARD OF EDUCATION DECISION FROM 1954 - WHEREIN THE SUPREME COURT DECLARED THAT SEGREGATION IN THE SCHOOLS WAS ILLEGAL. THIS CASE IS ALSO A LANDMARK CASE IN THAT IT WAS ONE OF THE FIRST INSTANCES IN WHICH A COURT ACTED TO CHANGE THE OPERATIONS OF SCHOOLS.

IN THE YEARS IMMEDIATELY PRECEDING 1954 FEW EDUCATION CASES EVER REACHED ANY COURT, MUCH LESS THE SUPREME COURT. AFTER THAT DECISION, HOWEVER, A TRICKLE OF CASES BEGAN TO APPEAR AROUND THE COUNTRY. IN THE INTERVENING YEARS, THE VOLUME GRADUALLY INCREASED UNTIL IT HAS BECOME A VERITABLE TORRENT SINCE 1970.

TODAY, COURTS ARE ASKED TO RULE ON ALMOST EVERY CONCEIVABLE ASPECT OF EDUCATION: CURRICULUM, CHARGES OF RACISM, DESEGREGATION, THE MANNER OF FINANCING EDUCATION, TEACHER DISMISSAL, AND EVEN CHARGES OF MALPRACTICE LEVELED AGAINST BOARD MEMBERS.

MANY OF THESE CASES HAVE ARISEN FROM AND HAD DIRECT IMPACT UPON DISCIPLINE AND SUSPENSION PRACTICES IN THE PUBLIC SCHOOLS, AND IN THE NEXT FEW MINUTES I WOULD LIKE TO BRIEFLY DISCUSS SOME OF THE HIGHLIGHT CASES.

CHRONOLOGICALLY, THE FIRST OF THESE IMPORTANT NEW CASES WAS EVENTUALLY DECIDED BY THE SUPREME COURT IN EARLY 1969. THIS IS THE NOW FAMOUS TINKER VS. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT CASE. VERY BRIEFLY, WHAT OCCURRED WAS THAT A GROUP OF HIGH SCHOOL STUDENTS WORE BLACK ARMBANDS TO SCHOOL TO PROTEST THE VIETNAM WAR. THE YEAR WAS 1965. THE STUDENTS WERE SUSPENDED UNTIL THEY RETURNED TO SCHOOL WITHOUT THE ARMBANDS. THE STUDENTS FILED THROUGH THEIR PARENTS FOR A RESTRAINING ORDER TO PREVENT SCHOOL OFFICIALS FROM DISCIPLINING THE STUDENTS FOR THEIR ACTIONS. THE DISTRICT COURT DISMISSED THE COMPLAINT. ON APPEAL TO THE EIGHTH CIRCUIT COURT OF APPEALS, THE COURT WAS DIVIDED EQUALLY AND THUS THE DISTRICT COURT'S DECISION WAS AFFIRMED WITHOUT AN OPINION.

ULTIMATELY, THE SUPREME COURT ACTED TO OVERRULE THE LOWER COURTS, FINDING THAT THE WEARING OF ARMBANDS WAS AN EXPRESSION OF FREE SPEECH THAT COULD NOT BE PROHIBITED SINCE IT DID NOT (AND I QUOTE), "SUBSTANTIALLY INTERFERE WITH THE WORK OF THE SCHOOL OR IMPINGE UPON THE RIGHT OF OTHER STUDENTS."

THE KEY TO THIS CASE IS THE NON-DISRUPTIVE NATURE OF THE ARMBANDS. IN A SIMILAR CASE LATER IN 1969 - BUTTS VS. DALLAS INDEPENDENT SCHOOL DISTRICT, SCHOOL OFFICIALS WERE UPHELD FOR SUSPENDING STUDENTS WEARING BLACK ARMBANDS BECAUSE THE PROTEST OCCURRED ON A NATIONAL "WAR MORATORIUM" DAY WHEN STUDENT BOYCOTTS AND DEMONSTRATIONS WERE PROPOSED FOR THE SCHOOL IN QUESTION.

FOLLOWING THE TINKER CASE, THERE WAS A RASH OF CASES FILED AGAINST SCHOOL BOARDS IN THE NEXT COUPLE OF YEARS. MOST OF THESE WERE CONCERNED WITH DRESS CODES AND STUDENT RIGHTS, AND IN MANY CASES THE FINDINGS WENT AGAINST THE SCHOOL SYSTEMS.

MANY BOARD MEMBERS AND PROFESSIONAL EDUCATORS BEGAN TO FEAR, AS A RESULT OF SOME OF THESE FINDINGS, THAT ALL OF THE SCHOOLS' ABILITY TO CONTROL STUDENT BEHAVIOR AND ACTIVITIES WOULD BE STRIPPED AWAY BY THE COURTS. IN 1973, HOWEVER, TWO MAJOR CASES REAFFIRMED THE RIGHTS OF THE SCHOOL TO ACT:

THE FIRST OF THESE WAS SIMMS VS. SCHOOL DISTRICT NUMBER 1, MULTNOMAH COUNTY, OREGON. IN THIS CASE, A PUPIL WHO REFUSED TO BE QUIET IN CLASS WAS ASKED BY HIS TEACHER TO LEAVE THE ROOM AND REFUSED. THE TEACHER TOOK THE STUDENT BY THE ARM TO LEAD HIM TO THE DOOR. AS HE REACHED FOR THE DOORKNOB, HE PUSHED THE PUPIL, WHO SWUNG HIS ARM - BREAKING THE WINDOW IN THE DOOR AND CUTTING HIS ARM.

THE PUPIL BROUGHT AN ACTION FOR ASSAULT AND BATTERY AGAINST THE DISTRICT AND TEACHER. THE COURT RULED IN FAVOR OF THE TEACHER, STATING THAT THE TEACHER HAD THE RIGHT TO USE THE AMOUNT OF FORCE REASONABLE IN

A GIVEN SET OF CIRCUMSTANCES, AND THAT THE TEACHER HAD NOT EXCEEDED THE GUIDELINES IN THIS CASE.

THE SECOND MAJOR CASE OF 1973 WAS DECIDED BY THE UNITED STATES DISTRICT COURT FOR VERMONT IN GONYAW VS. GRAY. HERE, SUIT WAS FILED IN BEHALF OF TWO 12 YEAR OLDS WHO ASKED THAT THE STATE STATUTE ALLOWING CORPORAL PUNISHMENT BE DECLARED UNCONSTITUTIONAL BECAUSE IT WAS IN VIOLATION OF FEDERAL CONSTITUTIONAL GUARANTEES AGAINST CRUEL AND UNUSUAL PUNISHMENT, DID NOT PROVIDE FOR DUE PROCESS, AND WAS VAGUE AND OVERBROAD.

AS IN THE SIMMS CASE, THE SUIT WAS DISMISSED AND THE VALIDITY OF THE STATE STATUTE WAS UPHELD. THE COURT STATED THAT THE STATUTE DID NOT VIOLATE THE CONSTITUTIONAL PROTECTION AGAINST CRUEL AND UNUSUAL PUNISHMENT BECAUSE IT ALLOWED ONLY REASONABLE FORMS OF PUNISHMENT; THE STATUTE DID NOT VIOLATE THE DUE PROCESS PROVISION SINCE THE CONCEPT OF "LIBERTY", AS DEFINED BY THE 14TH AMENDMENT, "DOES NOT GUARANTEE THE FREEDOM OF A SCHOOL CHILD FROM THE REASONABLE IMPOSITION OF SCHOOL DISCIPLINE." FINALLY, THE COURT DECLARED THAT THE STATUTE ITSELF WAS NEITHER OVERBROAD NOR VAGUE.

THE USE OF CORPORAL PUNISHMENT HAS BEEN CHALLENGED IN SEVERAL COURT SUITS AROUND THE COUNTRY, AND - DESPITE HOW WE MIGHT FEEL PERSONALLY ABOUT IT- THE COURTS HAVE GENERALLY UPHELD ITS USE BY SCHOOL DISTRICT PERSONNEL.

THE NEXT MAJOR CASE WAS HAWKINS VS. COLEMAN, AGAIN INVOLVING THE DALLAS INDEPENDENT SCHOOL DISTRICT (THEY CERTAINLY SEEM TO BE A POPULAR TARGET). HERE THE DALLAS SUSPENSION PROCEDURES WERE CHALLENGED ON THE GROUNDS OF RACIAL DISCRIMINATION, AND THE DENIAL OF EQUAL PROTECTION AND DUE PROCESS.

AFTER 2 YEARS OF HEARINGS, IN JUNE, 1974, THE COURT DECREED THE SUSPENSION PROCEDURES, AS WRITTEN, PROVIDE MINIMAL DUE PROCESS; THAT THE RACIALLY DISPROPORTIONATE NATURE OF THE IMPOSITION OF DISCIPLINING SANCTIONS INDICATES INSTITUTIONAL RACISM ON THE PART OF THE SCHOOL SYSTEM; AND THAT THE SCHOOL SYSTEM HAS FAILED TO TAKE ADEQUATE AFFIRMATIVE ACTION TO REMEDY RACIAL DISCRIMINATION.

THE COURT WENT ON TO DIRECT THE DEFENDANTS TO INITIATE AN AFFIRMATIVE ACTION PROGRAM DESIGNED TO ELIMINATE INSTITUTIONAL RACISM BY AFFECTING INSTITUTIONAL AND STRUCTURAL CHANGES WITHIN THE DISTRICT, AND THE TRAINING OF TEACHERS, COUNSELORS, STUDENTS, AND COMMUNITY TO DEAL WITH THE PROBLEMS OF INSTITUTIONAL RACISM.

THE MOST RECENT CASE OF IMPORT, DECIDED BY THE SUPREME COURT JUST THREE MONTHS AGO, WAS COSS VS. LOPEZ, IN WHICH THE ISSUE WAS ONCE AGAIN DUE PROCESS.

HERE, SEVERAL HIGH SCHOOL STUDENTS WERE SUSPENDED FOR MISCONDUCT FOR UP TO 10 DAYS WITHOUT A HEARING. SUIT WAS FILED IN THEIR BEHALF, AND A THREE JUDGE DISTRICT COURT FOUND THAT THE STUDENTS HAD INDEED BEEN DENIED DUE PROCESS OF LAW IN VIOLATION OF THE 14TH AMENDMENT PROTECTIONS SINCE THEY HAD BEEN (AND I QUOTE FROM THE DECISION), "SUSPENDED WITHOUT HEARING PRIOR TO SUSPENSION, OR WITHIN A REASONABLE TIME THEREAFTER."

THE CASE WAS SUBSEQUENTLY APPEALED TO THE SUPREME COURT BY THE COLUMBUS, OHIO PUBLIC SCHOOLS. THE HIGH COURT AFFIRMED THE DISTRICT COURT FINDINGS - STATING THAT (AND AGAIN I QUOTE), "AS A GENERAL RULE NOTICE AND HEARING SHOULD PRECEDE REMOVAL OF THE STUDENT FROM SCHOOL." THE COURT ALLOWED, HOWEVER, THAT EXCEPTIONS MAY BE MADE IN CASES SUCH AS WHEN THE CONTINUED PRESENCE OF A SUSPENDED STUDENT PROVIDES A THREAT TO OTHERS OR TO THE ACADEMIC PROCESS. IN SUCH CASES THE NECESSARY NOTICE AND HEARING SHOULD FOLLOW "AS SOON AS PRACTICABLE."

IT SHOULD BE NOTED, HOWEVER, THAT THE COURT DID NOT REQUIRE SCHOOLS TO SET UP FORMAL HEARINGS WITH COUNSEL, WITNESSES, AND THE RIGHT OF CROSS EXAMINATION IN THE CASE OF SUSPENSIONS OF 10 DAYS OR LESS, SINCE THE IMPOSITION OF SUCH PROCEDURES MIGHT WELL OVERWHELM MANY SCHOOL DISTRICTS. ALL THAT IS REQUIRED IS A STATEMENT OF CHARGES AND AN INFORMAL GIVE AND TAKE BETWEEN STUDENT AND DISCIPLINARIAN SO THAT THE SCHOOL ADMINISTRATOR IS SURE OF HEARING BOTH SIDES OF A STORY BEFORE ACTING.

Several conclusions can be drawn from these cases. First, we must all realize that a student does not give up any of his rights when he enters the schoolhouse. The school should act as a model of democracy to protect those rights.

Second, students must be treated fairly. They are entitled to be heard and to due process when being disciplined.

Third, when a student's constitutional rights are protected, the school need not be afraid to act. The courts, over and over, have supported legal disciplinary actions by schools - as the Simms and Gonyaw cases indicate.

Finally, I would like to conclude this section by stating my belief that continued judicial impact upon school system operations should be expected. There are still areas where school systems may not be in compliance with law (for example, several school systems besides Dallas have recently been charged with institutional racism). There are areas of untested legal principles which must yet come before the courts.

Also, we can expect more suits simply because it is becoming more and more common for people to seek redress for real or supposed wrongs done to them through the courts - even with school cases - and I suspect many of my fellow attorneys will urge these people to continue to do so.

Lastly, the door has been opened for judicial inspection of public school operations. Once there was a first case, the second one was easier for the courts to accept; once there was a second one, the third was easier still; and so forth.

Thus, as I stated, we should not look for the courts to withdraw from the public school arena, but rather for them to remain as active as they are now, and perhaps to become even more active.

I WOULD LIKE TO TURN MY ATTENTION NOW TO THE ADMINISTRATIVE IMPLICATIONS OF THIS JUDICIAL INVOLVEMENT. THE INCREASING INVOLVEMENT OF THE JUDICIARY IN THE AREA OF STUDENT DISCIPLINE IS A CONCERN TO MOST OF US IN EDUCATION. BUT WE MUST REMEMBER THAT THE CAUSE OF THIS INVOLVEMENT HAS NOT BEEN THE DESIRE OF THE COURTS TO INTERFERE IN SCHOOL OPERATIONS, BUT RATHER THE PRESENCE OF ILLEGAL DISCIPLINE PRACTICES IN THE SCHOOLS. THEREFORE, ONE OF THE VERY BEST WAYS TO MINIMIZE THE ROLE OF THE COURTS IN EDUCATION IS TO ELIMINATE SUCH VIOLATIONS OF LAW AND INDIVIDUAL RIGHTS WHENEVER THEY CAN BE FOUND.

IN THIS REGARD, THERE ARE SEVERAL SUGGESTIONS I WOULD OFFER. FIRST, AND PERHAPS MOST IMPORTANT OF ALL, BE SURE YOU HAVE A GOOD LAWYER TO HELP YOU REVIEW YOUR POLICIES AND PRACTICES, ESPECIALLY IN LIGHT OF RECENT DECISIONS.

SECONDLY, BE CERTAIN YOUR ADMINISTRATIVE PERSONNEL ARE TRAINED TO REACT PROPERLY IN CASES WITH LEGAL IMPLICATIONS - THAT IS - TRAINED TO USE PROCEDURES WHICH ARE BOTH LEGALLY ACCEPTABLE AND ADMINISTRATIVELY EFFECTIVE. THE TWO ARE NOT MUTUALLY EXCLUSIVE.

TO ASSIST IN THIS EFFORT, WE IN ANNE ARUNDEL COUNTY HAVE DEVELOPED A SET OF PROCEDURES FOR THESE SITUATIONS CALLED "HELP" - WHICH STANDS FOR "HANDBOOK - EMERGENCY AND LEGAL PROCEDURES." (FOR ANY OF YOU WHO MIGHT BE INTERESTED IN RECEIVING A COPY, WRITE YOUR NAME AND ADDRESS ON A SHEET OF PAPER OR LET ME HAVE A BUSINESS CARD AT THE CONCLUSION OF THIS MEETING AND I WILL SEE THAT A COPY IS SENT TO YOU.)

STILL ANOTHER THING YOU MIGHT DO IS TO CAREFULLY EXAMINE YOUR SUSPENSION DATA, SINCE SUSPENSION HAS BECOME A FOCAL POINT OF JUDICIAL CONCERN. ARE YOUR STUDENTS RECEIVING A QUICK HEARING AS DISCUSSED ABOVE? ARE BLACK AND WHITE STUDENTS BEING TREATED ALIKE FOR THE SAME OFFENSE? IS SUSPENSION BEING USED AS A PUNITIVE DEVICE, OR ONE DESIGNED TO CORRECT BEHAVIOR?

ARE RELATIVELY LARGE NUMBERS OF STUDENTS BEING GIVEN THE SERIOUS PENALTY OF SUSPENSION FOR TRIVIAL OFFENSES SUCH AS SMOKING? ARE TRUANT STUDENTS - WHO DON'T WANT TO COME TO SCHOOL - REWARDED BY SUSPENSION - WHICH ALLOWS THEM TO STAY HOME EVEN LONGER?

AS A FINAL POINT WITH REGARD TO ADMINISTRATIVE IMPLICATIONS, BE CERTAIN YOUR SCHOOLS KEEP THOROUGH, ACCURATE RECORDS OF DISCIPLINARY OFFENSES AND ACTIONS IN CASE THEY SHOULD BE NEEDED. AND MAKE CERTAIN YOUR PUBLIC AND YOUR STUDENTS ARE AWARE OF BOTH THEIR RESPONSIBILITIES UNDER YOUR RULES AND REGULATIONS AND THEIR RIGHTS UNDER THE LAW.

I HAVE POINTED OUT ABOVE SOME OF THE ADMINISTRATIVE STEPS WE CAN TAKE TO MINIMIZE THE POSSIBILITY OF OUR UTILIZING ILLEGAL DISCIPLINE AND SUSPENSION PROCEDURES, BUT THIS IS NOT THE TOTAL SOLUTION TO THE PROBLEM. WE MUST ALSO TAKE A LOOK AT OUR INSTRUCTIONAL PROGRAMS.

IN OUR DISTRICT, FOR EXAMPLE, WE HAVE CAREFULLY STUDIED THE RECORDS OF STUDENTS WHO HAVE BEEN SUSPENDED, AND WE FIND, AS OTHER RESEARCHERS BEFORE US HAVE, THAT THEY TEND TO HAVE A COMMON BACKGROUND.

THEY ARE LOW ABILITY STUDENTS. THE AVERAGE I.Q. FOR ALL STUDENTS SUSPENDED IN OUR SCHOOL DISTRICT LAST YEAR WAS 87, AS COMPARED WITH OUR DISTRICT-WIDE AVERAGE OF 100. THEY ARE LOW ACHIEVERS. THE AVERAGE STUDENT SUSPENDED LAST YEAR IN OUR DISTRICT WAS TWO GRADES BEHIND IN READING AND MATH ACHIEVEMENT.

THE IMPLICATIONS OF THESE TWO FINDINGS ARE QUITE CLEAR. MANY OF OUR DISCIPLINARY PROBLEMS ARE STUDENTS WHO ARE NOT SUCCESSFUL IN THE ACADEMIC PROGRAM. WE, THEREFORE, BELIEVE THAT IF WE CAN IMPROVE THE BASIC ACADEMIC SKILLS OF THESE STUDENTS, WE MAY ELIMINATE THE CAUSES OF SOME OF OUR DISCIPLINE PROBLEMS.

IN THIS LINE, I WOULD LIKE TO REVIEW A FEW OF THE THINGS WE HAVE DONE IN ANNE ARUNDEL COUNTY TO HELP STUDENTS WHO ARE REAL OR POTENTIAL DISCIPLINE PROBLEMS - THOUGH THE LIST IS CERTAINLY NOT ALL INCLUSIVE.

FIRST, WE ATTEMPT TO HAVE BROAD BASED CURRICULA TO APPEAL TO A WIDE RANGE OF STUDENTS, AND, AT THE HIGH SCHOOL LEVEL, WE INVOLVE THE STUDENT HEAVILY IN PROGRAM AND COURSE SELECTION. WE ATTEMPT TO PROVIDE INDIVIDUALIZED INSTRUCTION TO REACH EACH STUDENT ON THE LEVEL HE OR SHE OPERATES, AND WE PROVIDE REMEDIAL ASSISTANCE TO STUDENTS WHO FALL BEHIND. BEGINNING WITH THE NEXT BUDGET YEAR, FOR EXAMPLE, WE WILL HAVE ASSIGNED A READING SPECIALIST TO EACH OF OUR 100 SCHOOLS. WE MAKE AVAILABLE TO OUR SCHOOLS A WIDE RANGE OF SUPPLEMENTARY PUPIL SERVICES TO ASSIST THEIR

EFFORTS, INCLUDING COUNSELORS, PSYCHOLOGISTS, PSYCHOMETRISTS, THERAPISTS, AND HOME VISITORS.

FINALLY, WE HAVE BEGUN A SERIES OF ALTERNATIVE SCHOOL PROGRAMS SPECIFICALLY DESIGNED FOR THE STUDENT WHO IS INVOLVED IN DISCIPLINE PROBLEMS. THE MOST IMPORTANT OF THESE IS AN ALTERNATIVE SCHOOL WE CALL THE LEARNING CENTER. WE ASSIGN THERE STUDENTS BETWEEN THE AGES OF 11 AND 16 WHOSE BEHAVIOR IS SO DISRUPTIVE THAT THEY CANNOT OPERATE IN A REGULAR SCHOOL SETTING. THE LEARNING CENTER HANDLES ABOUT 100 STUDENTS AT A TIME, WITH THE GOAL OF RETURNING THE STUDENTS TO A REGULAR SCHOOL. THIS PROGRAM USES BEHAVIOR MODIFICATION TECHNIQUES AND REQUIRES A GREAT DEAL OF PARENT INVOLVEMENT. INSTRUCTION CONCENTRATES ON BASIC READING AND MATH AND IS CARRIED ON IN CLASSES OF 5 TO 7. ABOUT 60% OF THE STUDENTS WHO ATTEND THE LEARNING CENTER RETURN TO A REGULAR SCHOOL AND ADJUST SUCCESSFULLY.

AT ONE JUNIOR HIGH SCHOOL, SOME OF OUR MOST SEVERE DISCIPLINE PROBLEMS WERE ASSIGNED, UNDER THE DIRECTION OF A COUNSELOR AND ELEMENTARY SCHOOL PRINCIPAL, AS TUTORS IN THE ELEMENTARY SCHOOL - HELPING YOUNGER STUDENTS WITH READING PROBLEMS. THIS WAS A CAREFULLY PLANNED AND STRUCTURED PROGRAM, AND THE ACHIEVEMENT, ATTENDANCE, AND BEHAVIOR OF MOST OF THE JUNIOR HIGH STUDENTS IN THE PROGRAM HAS IMPROVED.

AT ANOTHER JUNIOR HIGH SCHOOL, HABITUAL TRUANTS HAVE BEEN PLACED ON PARTIAL DAY SCHEDULES RECEIVING CONCENTRATED DOSES OF INDIVIDUALIZED READING AND MATH INSTRUCTION. THE REMAINDER OF THE DAY IS SPENT UNDER THE SUPERVISION OF THE PARENTS OR AT A LOCAL COMMUNITY CENTER. REGULAR CLASSES WERE GRADUALLY ADDED TO THESE STUDENTS' SCHEDULES, AND TODAY SOME OF THEM HAVE RETURNED TO A REGULAR FULL SCHEDULE, WITHOUT REVERTING TO THEIR FORMER HABITS OF TRUANCY.

I HAVE POINTED OUT A FEW OF OUR PROGRAMS FOR OUR BEHAVIOR PROBLEMS, AND ONE POINT WORTH RESTRESSING, TO CONCLUDE THIS SECTION, IS THAT THE COMMON DENOMINATOR OF MOST OF THEM IS THE EMPHASIS ON IMPROVING ACHIEVEMENT IN BASIC SKILLS AREAS.

To summarize, the courts have become involved in student discipline, and for the reasons stated earlier, they are likely to stay involved.

There are definite steps we can take (and must take) to insure compliance with appropriate statutes and guarantee individual rights. Use common sense; follow the golden rule; show respect for the rights of each individual. Make certain school officials are aware of the legal implications of some school situations and prepared to act in any emergency.

Insofar as possible, commit discipline/suspension/expulsion policies to writing, so that students (and the public at large) are aware of what rights - and responsibilities - they have. Remember that the key phrase in any disciplinary action is "due process."

Finally, remember that all of these administrative actions can help you handle, and to some extent, eliminate serious discipline problems. But none of these can help you as much as a good instructional program - especially one which is effective in helping those students who are farthest behind in reading and math to catch up.

To turn again to history, let us quote from a 19th century newspaper - "...the flogging system still prevails...to quite a wretched extent. In the school in Baltic Street..., forty students in the boys' department were thrashed in one morning, and in the female department a little girl was so cut and marked with the ratan over back, neck and shoulders, for some trifling offense, that the livid marks remained there for several days."

That was Brooklyn, New York, in the year 1847. There is no record that any cases came to court, that any charges were filed, or that any parents even complained.

My friends, those days are gone forever.

Thank you.

I WOULD LIKE TO MENTION ONE MORE TIME THAT IF YOU WISH A COPY OF OUR HELP MANUAL OR INFORMATION ABOUT OUR ALTERNATIVE PROGRAMS, LET ME HAVE YOUR NAME AND ADDRESS.